

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓  
O.A/T.A No. 102/2006

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E.P/M.A No.....

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 202/06  
2. Misc Petition No. /  
3. Contempt Petition No. /  
4. Review Application No. /

Applicant(s) Pradip Mr. Singh

Respondent(s) U.O.P. Gomu

Advocate for the Applicant(s). H. Das, A.R. S. K. Das  
J.A. Azad, S.A. Munafir

Advocate for the Respondent(s) ... C.A. & P. Railway Board

Notes of the Registry	Date	Order of the Tribunal
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ENTRY 24.08.2006 PRESENT: Hon'ble Sri K.V. Sachidanandan

Vice-Chairman.

Application is in form

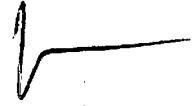
and C. F. for Rs. 50/-

26/6/2006

10/8/06

quoth

Heard learned Counsel for the parties. The Application is disposed of in terms of the order passed in separate sheets. No order as to costs.

  
Vice-Chairman

Steps word taken

/mb/

  
R  
Registrar  
for Dr. J. L. Sarker  
26/8/06

29/8/06  
Copy of the Order  
has been sent to the  
Office for taking  
the due to the applicant  
by Post.  
S. H.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

202 of 2006

O.A. No. ....

24.08.2006

DATE OF DECISION .....

Sri Prodip Kumar Ghosh

..... Applicant/s

Mr H. Das, Mr A. R. Sikdar, Mr J.A. Azad and Mr. S.A. Massafir.

..... Advocate for the  
..... Applicant/s.

Versus -

Union of India & Others

..... Respondent/s

Dr. J.L. Sarkar, Railway Standing Counsel

..... Advocate for the  
..... Respondents

CORAM

HON'BLE SRI K.V. SACHIDANANDAN, VICE-CHAIRMAN  
HON'BLE

1.	Whether reporters of local newspapers may be allowed to see the Judgment ?	Yes/No
2.	Whether to be referred to the Reporter or not ?	Yes/No
3.	Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench ?	Yes/No
4.	Whether their Lordships wish to see the fair copy of the Judgment ?	Yes/No

Vice-Chairman

24/8/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 202 of 2006.

Date of Order : This the 24th day of August 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Sri Prodip Kumar Ghosh  
S/o - Late Mahesh Ch. Ghosh  
R/o - Vill. - New Bongaigaon B.G. Colony  
Rly. Quarter No. 112/B  
P.O. - New Bongaigaon, P.S. - Dhaligaon  
Dist. - Bongaigaon, Assam.

... Applicant.

By Advocates Mr H. Das, Mr A.R. Sikdar, Mr J.A. Azad and Mr. S.A. Massafir.

- Versus -

1. The Union of India, through the Secretary, Ministry of Railway, Government of India, New Delhi - 110 001.
2. The Divisional Railway Manager (Personal) N.F. Railway, Rangia Division, P.O. - Rangia, District - Kamrup, Assam.
3. The Divisional Personal Officer, N.F. Railway, Rangia Division P.O. - Rangia, District - Karmup, Assam.
4. The Area Manager N.F. Railway, New Bongaigaon, P.O. - New Bongaigaon, District - Bongaigaon, Assam.

... Respondents.

By Advocate Dr. J.L. Sarkar, Railway Standing Counsel.

ORDER (ORAL)

**K.V. SACHIDANANDAN, (V.C.)**

The Applicant, who is a Head Train Clerk, rendered service about 16 years in the N.F. Railway, New Bongaigaon. The Applicant claims that for his ailment, he needs medical leaves and therefore, issuance of seek memo is necessary. He made representation to the immediate superior officer and followed by Lawyer notice to the concerned authorities. But they have not considered the same. Aggrieved by the said inaction of the Respondents, the Applicant has filed this Application seeking the following reliefs:-

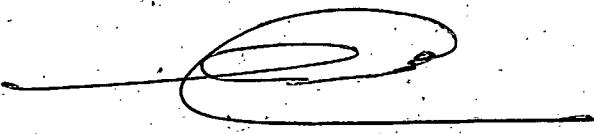
- i) That his Hon'ble Tribunal may kindly be pleased to pass an order directing to the authority to issue sick Memo so as to grant Medical leave w.e.f. 10.03.06 till he recovered and attain the fitness certificate.
- ii) To allow the applicant to get his current salary in full and arrear salary in full granting his leave w.e.f. 10.03.06.
- iii) To pass an order so that the applicant can get all the benefit along with total payments due as per norms and procedure of the Railway Authority."

2. Heard Mr A.R. Sikdar, learned Counsel for the Applicant and Dr. J.L. Sarkar, learned Standing Counsel for the Railways.

3. Mr A.R. Sikdar, learned Counsel for the Applicant submitted that he will be satisfied if a direction is given to the Respondent No. 2 to consider the dispose of the representation dated 28.04.2006 filed by the Applicant within a time frame. Dr. J.L. Sarkar, learned Standing Counsel for the Railways submitted that he has no objection, if such a course is adopted.

4. Accordingly, in the interest of justice this Tribunal directs that the Respondent No. 2 and/or any other Competent Authority shall consider and dispose of the representation dated 28.04.2006 within a period of two months from the date of receipt of copy of this order and pass appropriate order and communicate the same to the Applicant thereafter. The Applicant is also directed to send a copy of the O.A. as well as copy of the representation alongwith this order to the concerned authority forthwith to avoid any delay.

The O.A. is disposed of at the admission stage itself. No order as to costs.



( K. V. SACHIDANANDAN )  
VICE-CHAIRMAN

/mb/

21/8/06

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL-GUWAHATI BENCH  
Guwahati Bench

GUWAHATI

(An appeal under Section- 19 of the Central Administrative  
Tribunal Act, 1985)

Title of the case OA No. 202/2006.

Sri Prodip Kumar Ghosh .... Applicant.

-Versus-

The Union of India & ors. .... Respondents.

: S Y N O P S I S:

Applicant has been serving as a Head Train Clerk under the N.F.Railway, New Bongaigaon. He has been rendering service in the said Department for a period about 16 years. Now for his ailment he needs Medical leaves in this connection issuance of sick Memo is necessary. He made representation for sick Memo to his immediate superior Officer and also served pleader Notice to the concerned authorities but they have not considered his claim. Hence the application.

Prepared by

A. A. Sircar

Advocate. 14-08-06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI  
 BENCH: GUWAHATI.

(An application under section-19 of the Central Administrative  
 Tribunal Act, 1985)

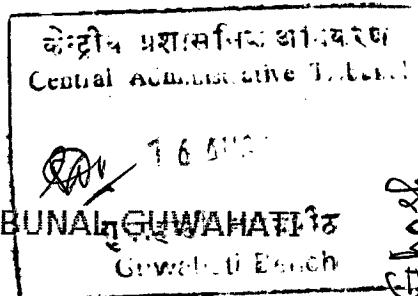
Prodip Kumar Ghosh

Title of the Case OA No. 202/2006.

Sri Prodip Kumar Ghosh -Vs- The Union of India & ors.

LIST OF DATES WITH INDEX.

Sl.No.	Date	Particulars.	Annexure.	Page
1.		Petition with verification	-	...
2.	26.01.1990	Date of appointment.	-	...
3.	28.04.06	Date of representation.	- 2	- 15-16
4.	2.05.06	Date of receipt of acknowledgement of representation dated 28.04.06 by Sri Tapan Chatterjee.	- 3	- 17
5.	11.03.06 & 10.04.06.	Dates of issuing prescription/ Medical Certificate.	1 in series	- 12-14
6.	28.04.06.	Date of ..... to the ..... Divisional Railway Manager(P)N.F.Railway Rangia Divn. & Area Manager N.F. Railway, New Bongigaon.		
7.	22.05.06.	Date of Pleader Notice.		- 4 - 18 - 21
8.	-	Vakalatnama.		



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH  
BENCH: GUWAHATI.

(An application under section-19 of the Central Administrative Tribunal Act, 1985 ).

Original Application No. 202/2006.

Prodip Kumar Ghosh  
 filed by the applicant

Mr. B. S. Nandan  
 Advocate

Prodip Kumar Ghosh, .... Applicant.

-Versus-

The Union of India & ors. .... Respondents.

Details of the applicant.

1. Name of the applicant : Prodip Kumar Ghosh  
 & Address. S/O. Late Mahesh Ch. Ghosh  
 R/O. Vill. -New Gongaigaon  
 B.G. Colony  
 Rly. Qtr. No.112/B.  
 P.O. - New Bongaigaon,  
 P.S. - Dhaligaon,  
 Dist. - Bongaigaon, Assam.

2. Designation. : Head Train Clerk.  
 N.F. Railway, New  
 Bongaigaon.

3. Particulars of the Respondents. : 1. The Union of India,  
 Through the Secretary,  
 Ministry of Railway,  
 Govt. of India.  
 New Delhi-110001.

2. The Divisional Railway

Manager (Personal),

N.F. Railway, Rangia

Division, P.O. Rangia,

Dist.- Kamrup, Assam.

3. The Divisional Personal Officer,

N. F. Railway, Rangia Division,

P.O. Rangia,

Dist.- Kamrup, Assam.

4. The Area Manager,

N.F. Railway, New Bongaigaon,

P.O.- New Bongaigaon,

Dist.- Bongaigaon, Assam.

PARTICULARS OF ORDER AGAINST WHICH THE APPLICATION IS  
MADE:-

1. In action and callous attitude of the respondent authority in not disposing of representation dated 28<sup>th</sup> April, 2006 made by the applicant granting his sick Memo and curtailing his salary etc.

2. JURISDICTION OF THE TRIBUNAL:-

The applicant declaring that the cause of action has arisen within the jurisdiction of this Hon'ble Tribunal.

Bodhipada Ghosh 11

3. LIMITATION: - The applicant declares that the application is filed before this Hon'ble Tribunal within the time limit prescribed u/s.- 21 of the Administrative Tribunal Act, 1985.

4. FACTS IF THE CASE:

4.1. That the applicant is a citizen of India being the permanent resident of New Bongaigaon, B.G. Colony, P.O. New Bongaigaon, District- Bongaigaon, Assam and as such he is entitled to the rights, privileges available to a citizen of India guaranteed by the Constitution and other settled Laws of the land.

4.2. That the applicant begs to state that having eligibility and requisite qualification he was appointed on 26.01.1990 under Railway Department and presently serving as a Head Train Clerk in the Office of the N.F. Railway, New Bongaigaon.

4.3. That the applicant begs to state that in the period of last 16 years of his service he is working sincerely, actively and up to the highest satisfaction of the concern authority unfortunately the applicant has been suffering from Chronic Diabetic and it developed in severe form on 10<sup>th</sup> March, 2006 and he is taking medical treatment from New Bongaigaon Railway Hospital. Immediately after starting his treatment he informed the matter to his immediate superior authority, Mr.

Pls. file in G. book

Tapan Chatterjee, TNC/BG/NBQ and he requested Mr. Cheterjee to issue a sick Memo to the concerned Medical authority but the said Official neither issued any sick Memo nor forwarded the same to the concerned Hospital. And as per advice of the concerned physician of New Bongaigaon Railway Hospital the applicant had to attend the Hospital on 11.03.06, 13.03.06, 16.03.06, 18.03.06, 21.03.06, 24.03.06, 30.03.06, 03.04.06, 10.04.06, 15.04.06, 16.04.06, 05.04.06 and 13.05.06 respectively and has been advised to continue medicines regularly taking rest for at least 1(one) month of which he is doing the same at home. The applicant is still under Medical treatment. The applicant craves the leave of this Hon'ble Court in not annexing all the Medical prescriptions except dated 11.03.06 and 10.04.06 and the rest may be produced at the time of hearing if so called for.

Photo copy of Medical prescription/ certificate  
dated 11.03.06 & 10.04.06 are annexed as  
Annexure No.1 in series.

4.4. That the applicant begs to state that finding no other alternative on 28.04.06 the applicant has sent a letter addressing Divisional Railway Manager (Personal), N.F. Railway, Rangia Division and Area Manager N.F. Railway, New Bongaigaon through proper channel for intervention and justice which has been duly acknowledged but neither any

action has been taken yet nor any favourable direction was passed in favour of the applicant

A copy of the representation dated 28.4.2006 is annexed as Annexure No.2.

Photo copy of acknowledge receipt of the representation are annexed as Annexure No.3.

4.5. That the applicant begs to state that it is very regretful that inspite of communication by representation dated 28.04.06 to his immediate Superior Officer no fruitful result has come out and the said Officer refused to issue sick Memo to the concerned Medical Authority in that regard up till now and the reasons of not issuing the sick memo is best known to the said authority. As a result the applicant has been deprived of availing himself of Medical leave. And due to non approval of the sick Memo by the said Mr. Tapan Chatterjee the gross pay of applicant has been diminished to Rs.8,346/- from the actual gross pay of Rs.15,052/- for the month of February, 2006 and Rs.3,723/- from its actual gross pay of Rs.10,194/- for the month of March, 2006 and finally for the month of April, 2006.

4.6. The applicant begs to state that there is a provision of Medical leave which the applicant is seeking but the authority is denying it. For the fault of the concerned authority the applicant is receiving small amount against his total salary at

Broochipur Ghorash

this stage when he is unable to move freely became of serious ailment and is to incur a huge financial expenditure though the provision of the said facility is readily available in the Railway Department to any employee who suffers such trouble. As a result the applicant and his family have been facing extreme hardship and difficulty to avail their livelihood.

- 4.7. That the applicant begs to state that a pleader Notice dated 22.05.06 have been served to the concerned authority for redressal of his grievances but neither any action has been taken nor any favourable direction has been passed in favour of the applicant.

A photo copy of the pleader Notice  
dated 22.05.06 is annexed as Annexure  
No.4.

5. **GROUND FOR RELIEF WITH LEGAL PROVISION:**

- I. For hat the learned authority have not paid any consideration upon the prayer of the applicant and their such callous and indifferent attitude has amounted violation of principles of Natural Justice, Rules, or Provisions of Law, legal and constitutional rights of the applicant.
- II. For that the applicant has been rendering services since 16 years with utmost sincerely and dedication and acts this

Panchayat Bhawan

stage he is seeking Medical leave but the authority is not considering which is not only illegal, arbitrary but also discriminatory action.

III. For that his ailment is service chronic diabetic and there is not scope to attend Office and he is under Medical treatment and at sick bed condition. Under this position of fact the respondent authority ought to have sick Memo enabling him to be granted Medical leave so as to receive salary without any deduction. This facility is being provided to the employee under the respondent authority and same being not extended to the applicant has amounted not only violation of right to survival guaranteed under Article 21 of the Constitution, and also violated Article 14 of the Constitution.

IV) That under the All India Services (Special disability leave) Regulations, 1957 it is provided under Rule-3 that Special disability leave may be granted to a member of service who suffers a disability. Denial of this facility to the applicant in gross illegality, discriminatory action on the part of the respondents authority.

6. DETAILS OF REMEDIES EXHAUSTED:

The humble applicant submitted representation vides Annexure No.2 but the same is not considered.

Postbox stamp

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT/ TRIBUNAL:

The applicant declares that he has not filed any application, Writ Petition or Suit regarding the present matter in any court of law or Tribunal and no case is pending before any Court.

8. RELIEF PRAYED FOR:

Under the above circumstances of the case stated above, the humble applicant most respectfully prays for following reliefs:-

- i) That this Hon'ble Tribunal may kindly be pleased to pass an order directing to the authority to issue sick Memo so as to grant Medical leave w.e.f. 10.03.06 till he recovered and attain the fitness certificate.
- ii) To allow the applicant to get his current salary in full and arrear salary in full granting his leave w.e.f. 10.03.06.
- iii) To pass an order so that the applicant can get all the benefit along with total payments due as per norms and procedure of the Railway Authority.
- iv) To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal in the interest of justice.

9. INTERIM:

In the interim the applicant prays for a direction for issue a sick Memo for Medical leave and full current salary.

10. DETAILS OF POSTAL ORDER-

Postal order No: 269325964

Date of Issue : 10-8-06

Issued from : H.P.O.

Payable at : Guwahati.

11. LIST OF PARTICULARS:

As per Index.

: VERIFICATION:

I, Sri Pradip Kumar Ghosh, S/O. Late Mahesh Chandra Ghosh, resident of New Bongaigaon B.G. Colony, P.O. New Bongigaon, P.S. Dhaligaon, District- Bongaigaon, Assam do hereby verify that the contents in paragraphs.....1, 2, 3.....and 4.....to.....6..... are true to best of my knowledge and para 5<sup>(2)</sup> to 5<sup>(14)</sup> and 6.....are believed to be true as legal advice and I have not suppressed any material fact.

And I sign this verification on this 14<sup>th</sup> day of August, 2006 at Guwahati.

Date: 14.8.06

Place - Guwahati.

SIGNATURE OF THE APPLICANT

Pradip Kumar Ghosh.

## छोटा परिवार सुखी परिवार/SMALL FAMILY HAPPY FAMILY

१० सौ. ईआर/ N. I. Railway

प्रारंभ दी. मे. / R. B. MBD १६

१० सौ. ईआर/ N. R. M. ६

चिकित्सा विभाग/Medical Department

## रुक्मिणी पर्ची Prescription Memo

अस्पताल/Hospital

दूधाघास/Dispensary

क्रम सं/Sl. No. 20627

P. K. Ghosh

कर्मचारी का नाम और विभाग/Name of employee and department

उम्र/Age A विव/ Sex M

व्यक्ति का कर्मचारी से रासनक/Relationship to employee is dependent

अधिक का देश विव दी/Occupation if any of dependent

कर्मचारी का दस्तावेज/ विवाह/Designation of employee and department

Hd. TNC/TFC/TNB

पहा विभाग स्थान/Address (H.Q.)

पैरग/ Pay ३०० / Date १०/३/०८ दायित्व/ Admission

निदान/ Diagnosis

तारीख/Date	टिप्पणी और उपचार/Notes and Treatment	आपाक्षर/Initial
२९ MAR 2008	Severe ulceration in oral hypo. By consumer	
२०० १४० ९०	R. S. Crflox ५०० mg x 6 1.0% liniment of S. S. Borton ५०० mg x 6	
	Chew, Mixture १.० mg 1.0% T. O. T. D. 11/3/08	

Certified to be  
true copyA. S. T. D.  
14.08.08

धारोग्र/Date	दिल्ली और उपनगर/Notes and Treatments	वायदार/Inland
13 MAR 2006	Vomited OT Polaroid tongue < PP Tuberculosis 2-29-9	187.9 13/3/06
16 MAR 2006	R. Das Adami / 6m > 11 1.60s days Cyclosp. 500 mg 1/2 Dormex 50 mg 1/2	16/3/06
	He is a case of Diabetic mellitus uncontrolled Treatment	
	MD 17.3.06 Dr. Dinesh Chandra 10, Dr. Dinesh Chandra Ranbir Singh Chawla	

R. H. R. J. P. C. 1939

St. M. B. J. F. *base* *core* 4

the

Certified  
as  
Advocate

छोटा परिवार सुखी परिवार SMALL FAMILY HAPPY FAMILY

गोदान/वेतन/N.E. Railway

परिवार विभाग/B.M.D.P.O.

पुस्तिगार/N.I. M.G.

रिकिउर्टर्स विभाग Medical Department

बुखर्या पर्ची Prescription Memo

27/7

क्रम सं०/Sl. No.

(१४)

अस्पताल/Hospital

परिवार विभाग/Dispensary

कर्मचारी का नाम और विभाग/Name of employee and department

R. K. C. 110321

वयस्सा/Age.....

11/18/83

आधिकारिक संबंधी संबंध/Relationship to employee of dependent

आश्रित का पंशा, यदि हो/Occupation, if any of dependent

कर्मचारी का पदनाम और विभाग/Designation of employee and department

M.C. 781C/772/101-3

पता निवास स्थान/Address (Res.)

गोदान/Allow. No. 101/106

दर्शक/Date, 1/01/83

राशिक/Admission

निदान/Diagnosis M.I.D.M

तिरीका/Date	टिप्पणी और उपचार/Notes and Treatment	प्रारंभिक/Initial
10 APR 2006	quiet comfortable Rx in Hand book 10/04/06	Plan 8/04 meters 0-7 10/04/06
11 APR 2006	Patient is not under medication 6.00 AM at present	
12 APR 2006	Cu: 17/4/06 FBG - 178 mg/dl PPBG - 256.0 mg/dl Urine sugar - F + (++) PP + (++)	
13 APR 2006	Rx: ① Tab. Dexam (5 mg) - (15) 1 tab B.B.F ② Cap Zovit - (05) ③ Cap OD PC Review after 2 weeks 18/4/06	
14 APR 2006	30/90 mg/dl	
15 APR 2006	1. थूमपान निषेध 2. कुड़ा कर्वाने वाले कुड़तान में ही डाले 3. थुकिये नहीं	

Certified *the true copy*  
*notarized*

Contd....

To,

1. Hon'ble Divisional Railway Manager (Personnel)

N.F.Rly. Rangiya.

2. Hon'ble Area Manager

N.F.Rly. New Bongaigaon.

(Through proper channel)

Dated- Bongaigaon the 28<sup>th</sup> April, 2006.Sub:- Prayer for intervention.Petitioner :

Sri Pradip Kumar Ghosh.

HD/TNC

N.F.Rly, New Bongaigaon.

28/4/06

Sir,

With due respect, I have the honour to submit the following few lines for your kind perusal and request to take immediate necessary intervention.

That Sir, I am serving under you for last 16 years as a Train Clerk.... upto the highest satisfaction of you. In my period of service, no insubordination or deficiency in service is found by anybody.

That Sir, unfortunately while I have been suffering from severe chronic diabetic for 10th March '06 last I have to take medical treatment and care from the concerned doctors of New Bongaigaon Rly. Hospital instantly and immediately after that I reported the matter to Mr. Tapan Chatterjee TNC/BG/NBO the immediate authority of me in black and white requesting him to issue a Sick Memo to the concerned medical authority.

That Sir, as per advice of the concerned physicians of New Bongaigaon Rly. Hospital, I had to attend the Hospital on 11.03.06, 13.03.06, 16.03.06, 18.03.06, 21.03.06, 24.03.06, 30.03.06, 03.04.06, 10.04.06, 15.04.06 & 18.04.06 respectively and has been advised to continue medicines regularly taking rest for at least 2(two) months of which I am taking the same at home.

*Get this to be <sup>one copy</sup>  
N.F.Rly.  
Bongaigaon*

Contd.... p/2.

That Sir, it is matter of great dismay that inspite of communicating the matter of my suffering to my said immediate authority, he refused to issue Sick Memo to the concerned Medical Authority in that regard upto now the reasons best known to him. As a result, I have been deprived of official sick leave from the attending physician of the Hospital ~~or the~~ hospital authority upto now. What more worse to say that due to approval of sick memo by said Mr. Chatterjee, my gross pay has been diminished to Rs.8,346/- (Rupees Eight Thousand Three Hundred Forty six) only from its actual gross pay of Rs. 15,052/- (Rupees Fifteen Thousand Fifty two) only for the month of February, 2006 and Rs. 3,723/- (Rupees Three Thousand Seven Hundred Twenty Three) only from its actual gross pay of Rs.10,194/- (Rupees Ten Thousand One Hundred Ninety Four) only respectively for no fault of me. All this act it is crystal clear that though I have no ~~animosity~~ with anybody but <sup>my</sup> rights have been curtailed.

That Sir, for this fact as above I have become of victim of circumstances without getting any remedy from my immediate Authority. And I am getting very much shock as well as irreparable mental and pecuniary loss.

In view of the above, I pray for immediate sympathetic intervention to the matter further be pleased to issue necessary direction to the said TNC so that I can get full service benefit from the Authority after issuance of Sick Memo from his end and oblige thereby.

Thanking you Sir,

Yours faithfully,

P. K. Ghosh.

(PRADIP KR. GHOSH )  
HD/TNC, N.F.Railway,  
New Bongaigaon.

-17-

Annexure - 3

**ACKNOWLEDGEMENT**

(REGISTERED LETTER)

ADDRESS TO

R/L No:

4393

29/04/06

Name :- Sri. Tapan Chatterjee.

(CTNC/NB80)

Address :- c/o. chief trains office.

(newBongaigaon, 2 G. yard).

Pin :-

P.O. newBongaigaon, 783381, Bongaigaon, Assam.



**ACKNOWLEDGEMENT**

(REGISTERED LETTER)

ADDRESS TO

R/L No:

4394

29/04/06

Name :-

Area Manager.

N.F. RL, NewBongaigaon.

Address :-

P.O. NewBongaigaon.

Pin :-

783381, Bongaigaon.

Assam.

SIGNATURE OF ADDRESSEE

**ACKNOWLEDGEMENT**

(REGISTERED LETTER)

ADDRESS TO

R/L No:

4392

29/04/06

Name :- DRM(P)/K.Y.

Address :- N.F. RL, Range Office or  
P.O. Range Office, Station.

Pin :- 781365.

Assam



Certified to be  
true copy

✓ a Advocate

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Hareswar Das

Advocate

Phone: 03664-230679 (R)  
94352-14089 (M)

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NEHRU ROAD (LICHUTOLA)

Ward No. 1, Bongaigaon  
P.O. & Dist. - Bongaigaon  
Assam - 783380Regd. with A/DDated - Bongaigaon the 22nd May, 2006

To,

1. The Union of India,  
Represented by General Manager  
N.F.Railway,  
Maligaon, Guwahati-11.
2. The Divisional Railway Manager (Personal)  
N.F.Railway, Rangiya Division  
P.O. Rangiya,  
Dist. Kamrup, Assam.
3. The Divisional Personnel Officer  
N.F.Railway, Rangiya Division,  
P.O. Rangiya,  
Dist. Kamrup, Assam.
4. The Area Manager,  
N.F.Railway, Bongaigaon,  
P.O. New Bongaigaon,  
Dist. Bongaigaon, Assam.

Sub:- Notice under Section 80 of Civil  
procedure Code, 1908.(All the above will be made as the  
Defendants)

Dear Sir(s)

Please take notice that my client viz. Sri Pradip Kumar Ghosh, S/o late Mahesh Chandra Ghosh, Head Train Clerk, N.F.Rly, New Bongaigaon, a resident of New Bongaigaon B.G. Colony, Rly.Qtr.No.112/B, under P.O. New Bongaigaon, P.S. Dhaligaon, District- Bongaigaon, Assam will institute a suit against the Union of India owning and administering the aforesaid Railway Department in a Court of competent jurisdiction after expiry of 2(two) months of this notice under relief claims herein below which are granted to my client within the said period of 2(two) months. The relevant facts constituting the cause of action and reliefs claimed are as follows:

*Authored to be true*  
✓  
Advocate

Contd.....

**1. Name & Address of the Plaintiff :**

Sri Pradip Kumar Ghosh  
 S/o Late Mahe sh Chandra Ghosh  
 R/o New Bongaigaon, B.G.Colony,  
 P.O. New Bongaigaon,  
 P.S.- Dhaligaon,  
 Dist.- Bongaigaon, Assam.

**1. Cause of Action :**

- (i) That, you are well aware of the fact that my client viz. Sri Pradip Kr. Ghosh an employee under you has been working in the capacity of Head Train Clerk under CYM/B.G./Yard/NBQ.
- (ii) That, you will certainly do not deny the fact that my said client in the capacity of Head Train Clerk has been working under you for last 16 years upto the highest satisfaction of you (i.e. the Defendant No.4). And during the period of his service no insubordination or deficiency in service is found by anybody.
- (iii) That, you will also do not deny the fact that my client while suffered from Diabetic severally has been conveying his immediate superior authority under you after his illness.
- (iv) That, unfortunately from the last 10.03.2006 my client has been continuously suffering from severe chronic Diabetic for which he had to take medical treatment and care from the concerned Doctors of New Bongaigaon Rly. Hospital and immediately thereafter my client has informed the matter to Sri Tapan Chatterjee (the then Officer-in-Charge) in black and white and requested him to issue a Sick Memo but the said Tapan Chatterjee neither issued any sick Memo nor forwarded the same to the concerned Hospital. And as per advice of the concerned physicians of New Bongaigaon Railway Hospital my client had to attend the Hospital on

Contd.....

11.03.06, 13.03.06, 16.03.06, 18.03.06, 21.3.06, 24.03.06, 30.03.06, 03.04.06, 10.04.06, 15.04.06, 18.04.06, 05.05.06 and 13.05.06 respectively and has been advised to continue ~~not~~ medicines regularly taking rest for atleast 1 (one) month of which my client is doing the same at home.

(v) That, it is the matter of great dismay that inspite of communicating the matter by my client to his immediate authority under you about his sufferings. he refused to issue sick Memo to the concerned Medical Authority in that regard until now the reason best known to him. As a result, my client has been deprived of availing himself of official sick leave i.e. medical leave. And due to non-approval of Sick Memo by said Mr.Tapan Chatterjee, the gross pay of my client has been diminished to Rs.8,346/- (Rupees Eight thousand Three hundred Forty Six) only from its actual gross pay of Rs.15,052/- (Rupees Fifteen Thousand Fifty Two ) only for the month of February, 2006 and Rs.3,723/- (Rupees three thousand Seven hundred Twenty Three) only from its actual gross pay of Rs.10,194/- (Rupees Ten Thousand One Hundred Ninety Four) only for the month of March,2006 and finally for the month of April,2006 the salary of my client become nil respectively for no fault of him. From the above it is crystal clear that his rights of availing leave for Sick has been mercilessly curtailed by the Authority at such a moment for redressal and is to incur a huge financial expenditure though the provision of the said facility ~~not~~ is readily available from your department to any employee who suffer much trouble. As a result my client and his family have been facing their livelihood under starvation.

(vi) That, finding no other alternative on 28.4.06 my client has sent a letter addressing you (i.e. Divisional Railway Manager (Personnel), N.F.Railway, Rangiya Division and Area Manager, N.F.Rly., New Bongaigaon) through proper ~~not~~ channel for intervention and justice which has been duly acknowledged but neither any action has been taken yet nor any favourable direction was passed in favour of my client which caused not only colossal loss to my client but also shown a insult.

(vii) Be it relevant to mention here that the said Tapan Chatterjee intentionally with ulterior motive has done the misdeeds inspite of having no enmity of my client with him.

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Reliefs Claimed :

- (a) That, my client is entitled to get the status of Sick w.e.f. 10.3.06.
- (b) That, if any doubt arises regarding his Sickness in that event he may be directed to appear before any medical Board appointed by the Rly. Administration for confirmation.
- (c) That, my client is also entitled to get all the benefits alongwith total payments as due as per norms and procedure of the Rly. Authority.
- (d) That, my client also prayed for an enquiry against the person for whom he is suffering.

Else, my client shall have no alternative other than to file a Suit/case against you before the competent Authority having proper jurisdiction for unliquidated damages and compensation at your costs and peril.

Thanking you,

Yours faithfully,

Sd/-

( HARESWAR DAS )  
Advocate

Copy to :

Chairman,  
Railway Board,  
New Delhi  
-for information and  
necessary action please.

Sd/-

( HARESWAR DAS )  
Advocate.